



Whistle blowing Policy

Overview

This whistle blowing policy seeks to ensure that Cresco Capital Markets (UK) Ltd meets its obligations to act honestly and fairly in accordance with Cresco Capital Markets (UK) Ltd duties to protect whistle-blower.

The Public Interest Disclosure Act 1998 is an Act of the Parliament of the United Kingdom that protects whistle blowers from detrimental treatment by their employer. The bill was introduced to Parliament and given government support on the condition that it became an amendment to the Employment Rights Act 1996. After receiving the Royal Assent on 2 July 1998, the Act came into force on 2 July 1999.

The Act protects employees that disclose information about malpractice at their workplace (or former workplace) provided certain conditions are met. The conditions concern the nature of the information disclosed and the person to whom it is disclosed. If these conditions are met, the Act protects the worker from suffering detriment as a result of having made the disclosure. If the conditions are not met, a disclosure may constitute a breach of the worker's duty of confidence to his employer.

The law now introduces both personal liability on employees who victimise their whistleblowing colleagues and vicarious liability on the employer for the same. Whistle blowers now have the right to (i) not be subjected to any detriment by any fellow worker or agent of their employer as a result of their whistleblowing (ii) bring a claim in a tribunal against such a person as well as their employer treat any such act as done also by the employer (whether done with or without the employer's knowledge or approval) (iii) protection – employees will not be personally liable for their actions if they have reasonably acted in reliance on a statement by the employer.

Most importantly for employers, a new defence that they take all reasonable steps to prevent the other worker from victimising the whistle blower is now in place

Whistle blower

A whistle-blower is a person who exposes misconduct, alleged dishonest or illegal activity occurring in an organisation. The alleged misconduct may be classified in many ways (e.g. a violation of a law, rule, regulation) and/or a direct threat to public interest (e.g. such as fraud, health and safety violations and corruption - this list is not exhaustive).

- Bribery or Corruption
- Miscarriage of justice
- Someone's health and safety is in danger
- Risk of or actual damage to the environment
- A criminal offence such as fraud
- The company is not obeying the law (e.g. not having the right insurance, material FCA breaches)
- Covering up a wrongdoing
- any breach of
- breach of the firm's policies and procedures and behaviour which could harm its reputation or financial well-being

Whistle blowing Policy

Cresco Capital Markets (UK) Ltd (hereinafter referred to as "Cresco", "we", "us", or "our") sets out below its policy surrounding the protection of whistle-blowers. We have in place arrangements to identify, monitor and manage our obligations in this regard.

We are committed to maintaining the highest standards of honesty, openness and accountability and recognise that all employees have an important role to play in achieving this goal. We maintain and communicate the internal procedures to employees regarding internal procedures, and is also within our standard employment contracts. The handling of employee concerns which form part of its effective risk management system can be summarised as follows:

1. Employees are aware that a “qualifying” disclosure is one in which the reasonable belief of the employee making the disclosure, tends to show that one or more of the following "failure(s)" has/have/is/are being or are likely to be committed:
 - (i) a criminal offence; or
 - (ii) failure to comply with any legal obligation; or
 - (iii) a miscarriage of justice; or (iv) putting the health and safety of an individual in danger; or
 - (iv) damage to the environment; or
 - (v) deliberate concealment relating to any of (i) to (v) above.

2. The firm treats all disclosures confidentially. All employees making disclosures are supported by the firm and protected from reprisals.

3. All employees are aware that their first reporting line is the Compliance Officer. In the instance that he/she is unavailable or the employee is unable to approach him, then the employee should approach another director or senior manager.

Employees of the firm are aware that they may make a disclosure directly to the FCA, although the FCA encourages firms to use the whistleblowing procedures in their own workplace as a first point of call. If there aren't any or employees do not feel able to do so, then employees follow the procedure of either

- (i) calling the FCA (Tel: 020 7066 9200) during office hours or by leaving a message on the FCA's voicemail which the FCA will return) or;
- (ii) sending an email to the following email address: whistle@fca.org.uk or;
- (iii) sending written communications to: The Intelligence Department (Ref PIDA), The Financial Conduct Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS.

4. Employees of the firm are aware that a disclosure will only count as being a “qualifying disclosure” if the employee reasonably believes that the disclosure is both “made in the public interest” and fits into one of the categories set out in the legislation. Employees acknowledge that there are penalties laid down by the law for making false and/or malicious accusations.

There is a list of prescribed people and bodies to whom malpractice can be reported, depending on the nature of the disclosure. This list has been published in the following document, ‘Blowing the whistle: list of prescribed people and bodies’ (<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies>). Further guidance published by the FCA on whistleblowing can be found by following the link: (<https://www.fca.org.uk/firms/whistleblowing>).

5. The firm will investigate any disclosure promptly. The investigators will be responsible not only for looking into the truth of the allegations but also making recommendations for disciplinary action against any wrongdoer and wider change within the organisation.

In reviewing the disclosure, we will take into consideration the:

- (a) nature and seriousness of the wrongdoing;
- (b) date and period of the wrongdoing;
- (b) number of persons whose interests are involved;
- (b) nature of their interest;
- (c) identity of wrong-doer.

Data Protection

Personal data in connection with whistleblowing complaints must comply with certain key GDPR principles. As a result, the information gathered will be proportionate to the purpose for which it is obtained and retained no longer than is objectively necessary or required by legislation and FCA requirements.

This Whistleblowing Policy is reviewed annually or at any time should a material change occur.